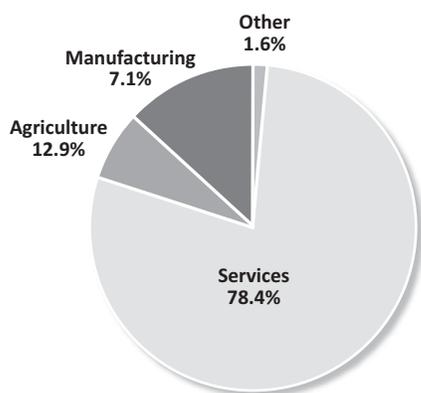


Argentina

Argentina has integrated the issue of child labor into national education, social and anti-poverty programs, and has mechanisms for monitoring the incidence of the worst forms of child labor. However, gaps in legislation on the worst forms of child labor remain and social programs could be expanded to combat child labor in the agricultural sector, commercial sexual exploitation, and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	11.0
Attending School	5-14 yrs.	97.2
Combining Work and School	7-14 yrs.	12.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Argentina engage in the worst forms of child labor.²²⁶ In the agricultural and urban informal sectors they may work long hours, perform arduous tasks, and be exposed to dangerous situations.²²⁷ In rural areas, some children work on farms producing blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Some may handle pesticides without proper protection. Forced child labor has also been found in the production of corn, onions, peppers, and tomatoes in agriculture camps.²²⁸ Although evidence is limited, the worst

forms of child labor are reportedly used in the production of flowers, jojoba, lemons, onions, potatoes, raspberries and sugarcane, as well as cables, fireworks, footwear, and matches.²²⁹ In urban areas, some children engage in domestic service, which may make them vulnerable to physical and sexual abuse. Children work as street performers, shoe shiners, car washers, and collectors and sorters of trash for recycling where they are vulnerable to vehicle accidents, severe weather, and criminal elements.²³⁰ Some children work in mining and construction, where they are exposed to dangerous heavy machinery and toxic chemicals.²³¹

Children also face commercial sexual exploitation in Argentina. The Government of Argentina and other sources have found that child pornography is a problem.²³² Incidents of child sex tourism have occurred particularly in Buenos Aires and the triborder area with Brazil and Paraguay.

Paraguayan children have reportedly been trafficked to Argentina for the purpose of sexual exploitation.²³³ Bolivian children have reportedly been victims of forced labor in the production of garments in Argentina.²³⁴ Children have been recruited for illicit activities, such as drug trafficking.²³⁵

Laws and Regulations on the Worst Forms of Child Labor

Argentina’s Law 26.390 raised the legal minimum age for employment from 14 to 16, effective May 2010.²³⁶ The law specifically prohibits the employment of children younger than age 16 in

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

domestic service, and prohibits children ages 16 to 18 from working between the hours of 8:00 p.m.

and 6:00 a.m.²³⁷ However, work in manufacturing is authorized until 10:00 p.m., exposing children between ages 16 and 18 to the risks involved in night work.²³⁸ Argentina has not adopted a comprehensive list of hazardous work prohibited for children.²³⁹

Argentine Law 26.364 prohibits forced or compulsory labor.²⁴⁰ Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18.²⁴¹ The Penal Code criminalizes facilitating, promoting, or benefitting economically from child prostitution.²⁴² The Penal Code also prohibits the use of children in pornographic shows and the production, publication, and distribution of child pornography. However, it does not criminalize the possession of child pornography for personal use.²⁴³ Argentine Law 23.727 prohibits the use of children in illicit activities.²⁴⁴

Law 26.364 prohibits trafficking in persons both domestically and internationally for the purposes of forced labor or sexual exploitation.²⁴⁵

Education is compulsory until the end of secondary school, approximately age 18.²⁴⁶

Institutional Mechanisms for Coordination and Enforcement

The Government of Argentina has established both national and provincial mechanisms for monitoring child labor issues. The Ministry of Labor chairs the National Commission for the Eradication of Child Labor (CONAETI), which is responsible for national-level coordination on child labor. CONAETI is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of the Economy, and the Ministry of Education, among others.²⁴⁷ Provincial governments operate Provincial Commissions for the Prevention and Eradication of Child Labor.²⁴⁸ In addition, the Office for Rescue and Caring of Victims of Trafficking, within the Ministry of

Justice, Security and Human Rights, coordinates government anti-trafficking efforts.

The national Ministry of Labor and provincial labor ministries are responsible for enforcing child labor laws.²⁴⁹ During the reporting period, CONAETI trained provincial labor authorities on child labor.²⁵⁰ Information was not available on the number of child labor inspectors employed or the number of inspections carried out, the sectors in which they were carried out, or sanctions imposed as a result.

The Special Unit for the Eradication of Sexual Exploitation of Children and Adolescents within the Ministry of Justice, Security and Human Rights enforces laws against the commercial sexual exploitation of children.²⁵¹ The Special Prosecutors' Office for Investigation of Kidnapping and Trafficking in Persons Crimes coordinates trafficking investigations nationally.²⁵² A 24-hour hotline is available to report child trafficking and the city of Buenos Aires operates a hotline to report cases of forced labor and labor exploitation. In addition, the National Institute against Discrimination, Xenophobia and Racism maintains a hotline to report sexual or labor exploitation.²⁵³ Child labor complaints can be registered through the CONAETI Web site.²⁵⁴

During the reporting period, authorities conducted 376 raids on suspected brothels and sweatshops, an increase from 256 in the previous period.²⁵⁵ Eighty-one minors were identified through the raids and referred to the Ministry of Social Development for assistance.²⁵⁶

Government Policies on the Worst Forms of Child Labor

CONAETI is implementing Argentina's National Plan to Combat Child Labor, which calls for actions to address child labor, including awareness-raising, inter-institutional collaboration, stronger inspection mechanisms, and a national program for the prevention and eradication of child labor in rural and urban

settings.²⁵⁷ To support the plan, the Ministry of Labor has established a Child Labor Monitoring Office, with offices in the provinces, to collect statistics on the incidence of child labor.²⁵⁸

Argentina continued its participation in the MERCOSUR's *Niñosur* (Southern Child) initiative and the Regional Action Group for the Americas. *Niñosur* aims to defend the rights of children and adolescents in the region by raising awareness about the commercial sexual exploitation of children, improving country legal frameworks, and exchanging best practices.²⁵⁹ During the reporting period, MERCOSUR member countries met to exchange good practices of systems to protect children and adolescents from commercial sexual exploitation as part of the *Niñosur* initiative.²⁶⁰ Argentina is a member of the Joint Regional Group for the Americas, which conducts prevention and awareness-raising campaigns whose members include Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela.²⁶¹

The Government of Argentina, along with the General Workers' Confederation and the Argentine Industry Association, has in place a memorandum of understanding with the ILO to implement its Decent Work initiative, which includes efforts to prevent and eradicate child labor.²⁶²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government continued to implement programs to combat child labor through direct services to children and families, awareness-raising, and capacity building during the reporting period. The Ministry of Labor continued to implement the *Jefes de Hogar* (Heads of Household) program, a cash transfer and employment training program which targets vulnerable and unemployed populations with at least one child younger than age 18 by improving employability and providing scholarships.²⁶³ However, the question of whether these programs

have an impact on child labor does not appear to have been addressed.

In 2009, the Government established another cash transfer program, the *Asignación Universal por Hijo* (Universal Child Allowance program), which provides a monthly cash transfer to unemployed populations and workers in the informal economy contingent on fulfilling health and education requirements for their children. Almost 3.4 million children benefit from this program.²⁶⁴

CONAETI has an agreement in place with the Network of Businesses against Child Labor in which 71 businesses are committed to efforts to prevent hiring children in their operations or those of their subcontractors. Businesses represented include agricultural and agrochemical companies, service industry companies, supermarket chains, pharmaceutical companies, and soft drink companies.²⁶⁵ During the reporting period, the Network of Businesses against Child Labor continued operating *Jardines de Cosecha* (Harvest Gardens), which provided seven daycare centers for children in tobacco-producing zones.²⁶⁶

The Government of Argentina also participated in projects funded by international donors. For example, the IDB funded a \$225,000 project for the Prevention and Eradication of Child Labor in Migrant Families. The project targeted families engaged in garbage scavenging, providing them with services and regularizing their immigration status.²⁶⁷ The IDB is also funding a \$1.15 million regional project to combat the trafficking and sexual exploitation of children in Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations that work in prevention, detection, and victim assistance.²⁶⁸ In addition, the Government continued to participate in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.²⁶⁹

The Government of Argentina has undertaken a variety of efforts to combat child labor, integrating the issue into social and anti-poverty policies, and collaborating with private industry to create corporate social responsibility initiatives. However, current social programs do not reach many children working in the agriculture and urban informal sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Argentina:

IN THE AREA OF LAWS AND REGULATIONS:

- Create a list of hazardous occupations prohibited for children.
- Expand prohibition on night work to children working in manufacturing
- Prohibit the possession of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information publicly available on the number of child labor inspectors, the number of inspections, the sectors in which inspections are carried out, and sanctions imposed as a result.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that social programs, such as the Heads of Household program, may have on reducing the worst forms of child labor.
- Expand programs that address child labor in agriculture.
- Develop programs targeted at child labor in urban informal work.

²²⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²⁷ CONAETI, *Trabajo infantil urbano*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm. See also CONAETI, *Trabajo infantil rural*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/rural.htm.

²²⁸ Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantil*, 2005, 48-50; available from http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninesintrabajo-infantil.pdf. See also Desde Mendoza, "El Drama de los Niños Ajeros", *Página 12*, [online], 2009 [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/sociedad/3-120138-2009-02-18.html>. See also "Cuatro detenidos por trabajo esclavo," *Página 12*, February 19, 2011; available from <http://www.pagina12.com.ar/diario/sociedad/3-162656-2011-02-19.html>. See also Horacio Verbitsky, "Una vida nueva," *Página 12*, January 2, 2011; available from <http://www.pagina12.com.ar/diario/elpais/1-159715-2011-01-02.html>.

²²⁹ CONAETI, *Trabajo infantil rural*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 49-50.

²³⁰ Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 51-53.

²³¹ *Ibid.*, 50.

²³² CONAETI, *Trabajo infantil urbano*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

²³³ U.S. Department of State, "Argentina (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also ILO

and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 49-54; available from <http://oimconosur.org/archivos/descarga.php?id=../imagenes/archivos/75.pdf&name=La%20trata%20de%20personas%20en%20el%20Paraguay>. See also U.S. Department of State, "Country Reports- 2010: Argentina," section 6.

²³⁴ Ignacio Arana Araya, "Prolifera la exportación de trabajo esclavo boliviano," *El Mercurio* (Santiago), August 27, 2006; available from <http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33144>. See also José Maggi, *Allanaron un taller textil ilegal con inmigrantes extranjeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/suplementos/rosario/9-12618-2008-03-06.html>. See also Tanja Bastia, *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf. See also Eduardo Videla, "Otro eslabón en la cadena de la trata," *Página 12*, March 25, 2010; available from <http://www.pagina12.com.ar/diario/sociedad/3-142617-2010-03-25.html>.

²³⁵ Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55.

²³⁶ *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), articles 2 and 23; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>.

²³⁷ *Ibid.*, article 9.

²³⁸ *Ibid.*

²³⁹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2007 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20407&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

²⁴⁰ *Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas*, 26.364, (April 29, 2008), article 4; available from http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley_26364.pdf.

²⁴¹ *Ley del Servicio Militar Voluntario*, (1994), article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

²⁴² *Código Penal*, Law 25.087, (May 7, 1999), articles 5-8; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2009 [cited June 6, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23471&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

- ²⁴³ *Código Penal*, Law 26.364, article 2. See also ILO Committee of Experts, *Individual Direct Request C182: Argentina* (2007).
- ²⁴⁴ *Tenencia y Tráfico de Estupefacientes*, Ley 23.727, (October 11, 1989); available from http://www.cicad.oas.org/Lavado_Activos/ESP/LeyesLavado/Argentina/Ley23.737AR.doc.
- ²⁴⁵ *Código Penal*, Law 26.364, article 11.
- ²⁴⁶ *Ley de Educación Nacional*, 26.206, (2006), article 16; available from http://www.me.gov.ar/doc_pdf/ley_de_educ_nac.pdf.
- ²⁴⁷ U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010, para C1.
- ²⁴⁸ *Ibid.*
- ²⁴⁹ *Ibid.* See also U.S. Department of State, “Country Reports- 2010: Argentina,” section 7d.
- ²⁵⁰ U.S. Department of State, “Country Reports- 2010: Argentina,” section 7d.
- ²⁵¹ Government of Argentina, *Explotación Infantil*, [online] [cited January 26, 2011]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/explotacion.htm>.
- ²⁵² U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁵³ *Ibid.* See also U.S. Embassy- Buenos Aires, *reporting*, March 15, 2010.
- ²⁵⁴ U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁵⁵ *Ibid.* See also U.S. Embassy- Buenos Aires, *reporting*, March 15, 2011. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Argentina.”
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- ²⁵⁹ Niño Sur, *Quiénes Participan*, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index2.asp?id=124>. See also Niño Sur, *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index2.asp?id=126>.
- ²⁶⁰ Niño Sur, *Actividades*, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index3.asp?id=123>.
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- ²⁶² ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Ministerio de Trabajo, Employment, and Social Security, *Memorandum de Entendimiento para la Puesta en Marcha en la República Argentina del Programa de Trabajo Decente*, 2008; available from <http://www.oit.org.ar/documentos/MoU%20y%20PTDP.pdf>.
- ²⁶³ Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010. See also Ministry of Labor, *Programa Jefes de Hogar*, [online] 2011 [cited June 6, 2011]; available from <http://www.trabajo.gov.ar/jefesdehogar/>. See also U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
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